

REMARKS

Claims 1, 3, 4, 7-11 and 19 have been amended. Support for the amendments can be found in the claims and throughout the specification. No new matter has been added. Claims 2 and 20 have been cancelled without prejudice.

Claims 1, 3-4, 7-19 and 21-31 are pending in the application.

Applicants thank the Examiner for indicating that claims 26-31 are allowed and claims 15-18, and 21-24 are allowable if rewritten in independent form.

CLAIM OBJECTIONS

The Examiner has objected to claims 15-18, and 21-24 "as being dependent upon a rejected base claim." See Office Action at p. 7. The Examiner, however, has indicated that those claims would be allowable if rewritten in independent form. *Id.* Applicants thank the Examiner for kindly indicating the allowability of the claims.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. § 102(b)

Hite

The Examiner has rejected claims 1-4, 7-14, 19, 20 and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,028,629 to Hite et al. ("Hite") in view of Egan et al. ("Modulation of Ion Transport in Cultured Rabbit Tracheal Epithelium by Lipoxxygenase," *American Journal of Respiratory Cell and Molecular Biology*, Vol. 7, pp. 500-506 (1992)) ("Egan"). See Office Action at p. 3. In an effort to expedite prosecution and not in acquiescence to the rejection, claims 2 and 20 have been cancelled. Applicants respectfully request withdrawal of the rejection with respect to those claims. Claims 3-4 and 7-14 are dependent on independent claim 1. Claim 25 is dependent on independent claim 19.

The Examiner contends that "Hite discloses ... the compounds B, F and G and their *in vitro* activity as 5-lipoxygenase inhibitors. Hite further discloses ... their use as anti-asthmatic compounds." See Office Action at p 3. The Examiner further contends that since Egan discloses "that inhibition of the lipoxygenase pathway inhibits sodium ion transport (absorption)," "[t]he instantly claimed requirement for inhibiting sodium ion transport is therefore inherently

anticipated by the methods of treatment of Hite.” See Office Action at p. 3. The Examiner specifically states that “Hite discloses ... the compounds B, F and G and their *in vitro* activity as 5-lipoxygenase inhibitors.” See Office Action at p. 3.

Hite describes “novel 2-substituted-N-hydroxy-N-alkyl cinnamamides which are potent selective 5-LO inhibitors and useful in the treatment of asthma and allergic diseases, inflammatory bowel disease, psoriasis, shock, adult respiratory distress syndrome (ARDS) and arthritis.” See col. 2, lines 1-7 of Hite. Compounds B, F and G in Hite are compounds of formula (I) wherein L is C₂ and is unsaturated. Such compounds are not covered by compounds described in claim 1 or claim 19.

Accordingly, independent claims 1 and 19 are not anticipated by Hite. Claims 2-4, 7-14, and 25 depend from claims 1 and 19 respectively and are therefore patentable over Hite for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Summers

The Examiner has rejected claims 19, 20 and 25 under 35 U.S.C. § 102(b) as being anticipated by Summers et al. (“Hydroxamic Acid Inhibitors of 5-Lipoxygenase: Quantitative Structure-Activity Relationships”, *Journal of Medical Chemistry*, Vol. 33, pages 992-998 (1990)) (“Summers”). See Office Action at p. 5. Claims 20 and 25 are dependent on independent claim 19.

The Examiner contends that “Summers discloses (Page 992, Column 1, Chart II) compounds which are compounds of the instantly employed formula (I).” See Office Action at p. 4. Summer describes the use of 5-lipoxygenase inhibitors as a “potential new approach” in the therapeutic intervention of asthma, arthritis and psoriasis. See p. 992, 1st paragraph. Compounds disclosed in Summers on page 992, column 1, chart II are compounds of formula (I) wherein L is C₂ and is unsaturated. Such compounds are not covered by compounds described in claim 1 or claim 19.

Accordingly, independent claim 19 is not anticipated by Summers. Claims 20 and 25 depend from claim 19 and are therefore patentable over Summers for at least the reasons

described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Zusi

The Examiner has rejected claims 1-14, 19, 20 and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,731,382 to Zusi et al. ("Zusi") in view of Egan et al. ("Modulation of Ion Transport in Cultured Rabbit Tracheal Epithelium by Lipoxygenase," *American Journal of Respiratory Cell and Molecular Biology*, Vol. 7, pp. 500-506 (1992)) ("Egan"). See Office Action at p. 5. Claims 2-14 are dependent on independent claim 1. Claims 20 and 25 are dependent on independent claim 19.

The Examiner contends that "Zusi discloses (Column 10, lines 14-19, table I, entries 6-11) compounds of formula (I) and their activity as inhibitors of 5-lipoxygenase inhibitors." See Office Action at p. 5. Zusi does not cover compounds described in claims 1 and 19 wherein L is selected from the group consisting of a saturated straight C₄₋₁₀ hydrocarbon chain substituted with C₁₋₄ alkyl, C₂₋₄ alkenyl, C₂₋₄ alkynyl, C₁₋₄ alkoxy, or amino, and further optionally interrupted by -O- or -N(R^c)-; an unsaturated straight C₄₋₈ hydrocarbon chain containing 2-5 double bonds optionally substituted with C₁₋₄ alkyl, C₂₋₄ alkenyl, C₂₋₄ alkynyl, or C₁₋₄ alkoxy, and further being optionally interrupted by -O- or -N(R^g)-, where R^g is hydrogen, alkyl, alkenyl, alkynyl, alkoxy, hydroxylalkyl, hydroxyl, or haloalkyl; or -(CH=CH)_m- where m is 2 or 3, L being optionally substituted with C₁₋₄ alkyl, C₂₋₄ alkenyl, C₂₋₄ alkynyl, or C₁₋₄ alkoxy, and further being optionally interrupted by -O- or -N(R^g)-.

As such, independent claims 1 and 19 and dependent claims thereof are not anticipated by Zusi. Applicants respectfully request reconsideration and withdrawal of this rejection.

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Page : 11 of 11

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CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims now pending are in condition for allowance.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,

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